

REMARKS

Claims 1 and 7 are pending in this application. Claims 1 and 7 are independent claims.

By this amendment, claim 7 is amended for clarity.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

**The Claims Satisfy The Requirements Of
35 U.S.C. §112, 1st Paragraph**

The Office Action reject claim 7 under 35 U.S.C. §112, 1st paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicant respectfully submits that the amendment to claim 7 obviates the rejection of claim 7 under 35 U.S.C. §112, 1st paragraph.

Accordingly, withdrawal of the rejection of claim 7 under 35 U.S.C. §112, 1st paragraph is respectfully solicited.

The Claims Define Patentable Subject Matter

The Final Office Action indicates that:

(1) Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over “*5V CATV Line Driver Coarse Step Output Power Control AD8322*, Analog Devices, Inc. 2000 (hereafter Analog Devices) in view of U.S. Patent No. 5,869,995 to Tam (hereafter Tam); and

(2) claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Vorenkamp (hereafter Vorenkamp) in view of Analog Devices and further in view of Tam.

These rejections are respectfully traversed.

Rejections under 103(a)

The Examiner alleges that Analog Device discloses that the power amplifier is a transimpedance amplifier, yet Analog Devices is silent with respect to the number of power-amplifying circuits that comprise said power amp. However, in an attempt to show the at least two-power amplifying circuits, the Examiner imports Tam and alleges that Tam further discloses

the described amplifier configuration. (see final Office Action, page 4). Applicant respectfully disagrees with this allegation.

For example, applicant submits that Analog Devices fails to disclose a transimpedance amplifier as set forth in Tam. For example, Analog Device merely discloses a high-power amplifier following a variable attenuator. Analog Devices' power amplifier is further disclosed as having a differential output impedance. (see Analog Devices, at least pages 2 and 4).

On the other hand, while Tam's transimpedance stage 10 receives a differential input current, a single ended output voltage is provided at the output of the transimpedance stage 10. As such, Tam's transimpedance stage 10 is quite distinguishable from Analog Devices' power amplifier, and the substitution thereof would change the output function of Analog Devices' AD8322 component. As a result, applicant submits that combining Analog Devices' power amplifier teachings with Tam's transimpedance stage teachings would render the device unsatisfactory for its intended purpose.

According to U.S. Patent law, if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Applicant submits that the Examiner has failed to provide a proper motivation for making the proposed modification because such a modification as proposed by the examiner would render Analog Device's system unsatisfactory for its intended purpose because the output functions would be undesirably changed.

Furthermore, applicant submits that Vorenkamp fails to make up for the deficiencies found in both Tam and Analog Devices noted above.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of cited art as proposed by the examiner would render the system unsatisfactory for its intended purpose.

Applicant respectfully submits that independent claims 1 and 7 are allowable over the cited art for at least the reasons noted above.

Accordingly, withdrawal of the rejections of claims 1 and 7 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

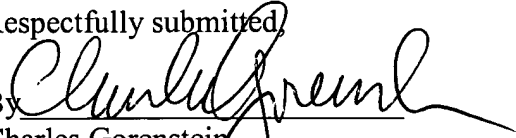
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: February 28, 2006

Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant


CG/CTB/mpe